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### REMARKS

The Office Action mailed June 1, 2007, has been carefully considered together with each of the references cited therein. The remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

#### Claim Status

Claims 1 – 8 and 10 – 16 are pending in the subject application. By this Amendment, Claim 1 has been amended. Consequently, the claims under consideration are believed to include Claims 1 – 8 and 10 – 16.

#### Claim Rejections Under §102

Claims 1 – 8 and 10 – 16 stand rejected under 35 U.S.C. §102(b) as being anticipated by Loeffler et al., (U.S. Patent 6,437,068). This rejection is respectfully traversed.

The Office states, "Therefore, in view of substantially identical method of free radical polymerization and used the same structural units a) and b) in the copolymer, initiators, crosslinkers, emulsifiers, solvents (tert-butanol), temperatures, duration of the reaction, etc. between Loffier (sic) and instant claims, and used for the same purposes for cosmetic, pharmaceutical, and dermatological oil-in-water emulsion compositions, it is the examiner position that Loffler's (sic) process does not necessarily different from the claimed process".

Applicants respectfully can not agree. It is well settled that to anticipate a claim, a single source must contain all of the elements of the claim. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986); *Atlas Powder Co. v. E.I. du Pont De Nemours & Co.*, 750 F.2d 1569, 1574, 224 U.S.P.Q. 409, 411 (Fed. Cir. 1984); *In re Marshall*, 578 F.2d 301, 304, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

Loeffler et al., (U.S. Patent 6,437,068), does not disclose the preparation of polymers by a polymerization reaction wherein steps A), B) and C) are performed in the order 1. step A), 2. step B) and 3. step C), either in the paragraph [0024] of the

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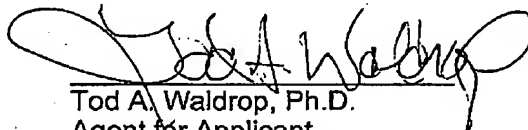
reference, where the polymerization reaction of the reference is described in general terms, or in the polymer preparation examples 1 to 4 of the reference. Furthermore, there is no disclosure of the addition of the higher boiling solvent or solvent mixture to eliminate the isolation of the polymer by a filtration step.

In view of the above, it is believed that the §102 rejection has been overcome. Applicants, therefore, courteously solicit reconsideration and withdrawal of the rejection.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the agent for Applicant at the telephone number provided below.

Respectfully submitted,



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